

Message Text

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71

ACTION EB-11

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O 291930 Z MAR 73

FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC NIACT IMMEDIATE4528

C O N F I D E N T I A L DUBLIN 0412

E. OM 11652 GDS

TAGS: ETRN, PFOR, EI

SUBJ: CIVAIR - LANDING RIGHTS

1. FOR YOUR REFERENCE THERE FOLLOWS THE FULL TEXT OF THE DIPLOMATIC NOTE DELIVERED BY EMBASSY TO GOI ON MARCH 14. IRISH RESPONSE FOLLOWS SEPTTEL.
2. QUOTE: EXCELLENCY: I HAVE THE HONOR TO REFER TO THE DISCUSSIONS WHICH HAVE TAKEN PLACE OVER THE PAST YEARS CONCERNING PROBLEMS RELATED TO AIR TRANSPORT SERVICES BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF IRELAND. THESE DISCUSSIONS REFERRED TO THE UNITED STATES REQUEST TO BE ACCORDED CERTAIN RIGHTS AT DUBLIN UNDER THE AIR TRANSPORT SERVICES AGREEMENT OF FEBRUARY 5, 1945, AND THE TERMINATION, EFFECTIVE AUGUST 18, 1972, OF IRISH RIGHTS AT NEW YORK UNDER THE SAME AGREEMENT.

MOST RECENTLY, AT A MEETING WITH PRESIDENT NIXON ON JANUARY 5, 1973, THE TAOISEACH, MR. LYNCH, REQUESTED LIBERALIZATION OF THE ACCESS BY IRISH AIRLINES TO THE OFF-ROUTE CHARTER MARKET IN THE UNITED STATES AS A CONTRIBUTION TOWARD RESOLUTION OF THESE PROBLEMS. ON JANUARY 30, 1973, I MET WITH THE TAOISEACH TO CONVEY OUR GOVERNMENT'S FAVORABLE RESPONSE TO MR. LYNCH'S PROPOSAL.

ON THE BASIS, THEREFORE, OF THE FOREGOING DISCUSSIONS AND IN ORDER TO RESOLVE THE PROBLEMS THAT HAVE ARISEN
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RELATING TO UNITED STATES AND IRISH CIVIL AIR LANDING RIGHTS, I PROPOSE, ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES, THE FOLLOWING UNDERSTANDINGS:

1. THE GOVERNMENT OF IRELAND WILL AUTHORIZE AN AIRLINE TO BE DESIGNATED BY THE GOVERNMENT OF THE UNITED STATES TO OPERATE AIR SERVICES FROM THE UNITED STATES TO DUBLIN, IN BOTH DIRECTIONS, WITH A MANDATORY STOP AT SHANNON IN EACH DIRECTION. THE MANDATORY STOP REQUIREMENT WILL BE REMOVED ONLY AT SUCH TIME AS THE GOVERNMENT OF IRELAND AUTHORIZES ANY OTHER AIRLINE TO OPERATE AIR SERVICES BETWEEN DUBLIN AND THE UNITED STATES WITHOUT A MANDATORY STOP AT SHANNON.

2. THE GOVERNMENT OF THE UNITED STATES WILL CONTINUE TO KEEP IN EFFECT THE FOREIGN AIR CARRIER PERMIT ISSUED TO AERLINTE FOR AIR SERVICES TO NEW YORK.

3. THE FOREGOING UNDERSTANDINGS MAY BE TERMINATED BY EITHER GOVERNMENT UPON SIX MONTHS ADVANCE NOTICE.

IN ADDITION, I PROPOSE, ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES, THE FOLLOWING UNDERSTANDINGS WITH RESPECT TO CHARTER FLIGHTS BY AIRLINES OF EACH COUNTRY:

1. THE UNITED STATES' PRACTICE OF AUTOMATICALLY REFUSING ALL OFF-ROUTE CHARTER FLIGHTS OF AERLINTE AND THE IRISH PRACTICE OF ACCORDING AERLINTE A RIGHT OF FIRST REFUSAL FOR CHARTER FLIGHTS PROPOSED TO BE OPERATED BY UNITED STATES SUPPLEMENTAL AIRLINES WILL BE TERMINATED.

2. EACH COUNTRY WILL ALLOW CHARTER FLIGHTS TO BE OPERATED BY AIRLINES AUTHORIZED BY THE OTHER COUNTRY SUBJECT TO COMPLIANCE WITH NORMAL LICENSING AND REGULATORY REQUIREMENTS. IT IS NOTED THAT THE UNITED STATES AND SEVERAL EUROPEAN COUNTRIES HAVE ADOPTED RULES REGARDING "ADVANCE CHARTER" FLIGHTS. SHOULD THE GOVERNMENT OF IRELAND ADOPT AN "ADVANCE CHARTER" RULE WHICH IS DETERMINED BY BOTH SIDES TO BE CONSISTENT WITH THE OTTAWA DECLARATION OF AGREED PRINCIPLES ON CHARTER FLIGHTS OVER THE NORTH ATLANTIC, THE PRINCIPLE THAT THE RULE OF THE COUNTRY OF ORIGIN OF THE TRAFFIC WILL GOVERN CHARTER-WORTHINESS WILL APPLY. DETAILS OF THE ADMINISTRATION OF THIS PRINCIPLE WOULD BE WORKED OUT IN AN APPROPRIATE INTER-GOVERNMENTAL UNDERSTANDING.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.

UNQUOTE

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MOORE

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